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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/726,999

12/03/2003

Marco Julio Barrera

06-0322-MBA.RA

4515

29043

7590

06/09/2009

WILLIAMSON INTELLECTUAL PROPERTY LAW, LLC
1870 THE EXCHANGE, SUITE 100
ATLANTA, GA 30339

EXAMINER

ANDERSON, FOLASHADE

ART UNIT

PAPER NUMBER

3623

MAIL DATE

DELIVERY MODE

06/09/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/726,999	Applicant(s) BARRERA, MARCO JULIO	
	Examiner FOLASHADE ANDERSON	Art Unit 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04/20/2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-79 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-79 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This office action in response to Applicant's submission filed on 04/20/2009.
Currently, claims 1-79 are pending. Claims 1, 13, 15, 42, 50, 52, 64, and 70 are amended.
2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 04/20/2009 has been entered.

Response to Amendment

3. Applicant's amendment to claim 15 is sufficient to overcome the claim objection set forth in the previous office action.
4. Applicant's amendments to claims 1, 13 and 64 are sufficient to overcome the 35 U.S.C. 112, first paragraph rejection set forth in the previous office action.
5. Applicant's amendments to claims 1, 13 and 64 are sufficient to overcome the 35 U.S.C. 112, second paragraph rejections set forth in the previous office action.
6. Applicant's amendments to claims 1, 13, 42 and 64 are sufficient to overcome the 35 U.S.C. 101 rejection set forth in the previous office action.

Response to Arguments

7. Applicant's arguments, with respect to the 35 USC 103(a) rejection have been fully considered and are not persuasive. Applicant argues:
 - a. Neither ROLMS nor TAMIS-R compute a forecast of ammunition requirements based on training events
 - b. Pure is non-analogous art because there is absolutely no logical reason a person would look to a diaper distributor or their technology in the design of forecasting ammunition requirements for military unit training events.
8. In response to Applicant's argument (7a) the Examiner respectfully disagrees with the Applicant's assertion. Examiner respectfully disagrees with Applicants interpretation of TAMIS-R (Ross (Ammunition Accounting and Management Below Retail, Jan. 2002). TAMIS-R teaches a system "collects and process training ammunition requirements . . . related data and provides real time information on forecasting" i.e. extracts the required ammunition for the training events. (Ross p.12) Nothing within the TAMIS-R states that the step of processing is done external to the TAMIS-R system as disclosed by Ross. Additional support is provided in the attached NPL entitled "Standing Operating Procedures for the Management of Training Ammunition" dated 02/11/2000 obtained from http://ag.arizona.edu/research/itam/pdf_docs/AMMOSOP1.pdf, wherein referenced as SOP. The SOP states "identify annual requirements for training ammunition through TAMIS-R not later than 15 December annually." (SOP p.1) The Examiner reasons that if the annual requirement (forecast) is

done through the TAMIS-R then the TAMIS-R has the capability to forecast. Further SOP states "The TAMIS-R training ammunition forecast report will be initiated and maintained at the unit level." (SOP p.2). Similarly the Examiner reasons that if the forecast report is initiated and maintained in TAMIS-R at even the lowest levels i.e. the unit level then it is the TAMIS-R performing the forecast.

9. In response to Applicant's arguments (7b) the Examiner respectfully disagrees with the Applicant's assertion. Applicant argues "Pure is non-analogous art because there is absolutely no logical reason a person would look to a diaper distributor or their technology in the design of managing ammunition for military unit training events." Examiner respectfully disagrees, analogous art is one that it has been held that a prior art reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the applicant was concerned, in order to be relied upon as a basis for rejection of the claimed invention. See *In re Oetiker*, 977 F.2d 1443, 24 USPQ2d 1443 (Fed. Cir. 1992). In this case, Pure as analogous art was used to show the obviousness of "including ammunition of supplies from supplier organizations into ammunition inventories," i.e. inventory management. Pure teaches this type of inventory management "we (supplier) will deliver the number you returned soiled the prior week, up to the maximum of your weekly diaper order. We assume that if you do not return all of your diapers soiled that you still have clean diapers at home (ammunition inventories) to supplement your next weeks delivery." (Pure p. 4) What Pure is in effect teaching is the count of items on hand plus the items

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coming from the supplier as one inventory thus solving the same problem of inventory management that Applicant seeks to solve in the claim limitation as such Pure is analogous to the claimed feature of the Applicant's invention.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ross (Ammunition Accounting and Management Below Retail, Jan. 2002) in view of "Standing Operating Procedures for the Management of Training Ammunition" dated 02/11/2000 (http://ag.arizona.edu/research/itam/pdf_docs/AMMOSOP1.pdf), wherein referenced as SOP

Claim 1

Ross teaches **a method of managing ammunition for military unit training events, said method comprising the steps of:**

- **computing ammunition allocations and logistics requirement, in a computer, for military unit training events having an ammunition management software program running thereon, wherein said software program computes said allocation and logistics for ammunition requirements** (p. 12, TAMIS-R is an Army managed system that collects and process training ammunition requirements, authorizations, expenditures and related data).

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- **enabling a user to forecast training events by executing said software program on said computer** (p. 12, TAMIS-R is an Army managed system that collects and process training ammunition requirements . . . provides real time information on forecasting, and TAMIS-R is web based which inherently implies computer software);
- **utilizing said computer and said software program running thereon to generate said forecast of ammunition required for said training events** (p. 12, TAMIS-R is an Army managed system that collects and process training ammunition requirements . . . provides real time information on forecasting, and TAMIS-R is web based which inherently implies computer software); **and**

Further Ross teaches “TAMIS-R . . . proper and timely forecasting so as to permit timely support is critical to keeping our second destination shipping cost from skyrocketing. However Ross does not expressly teach **subsequently, extracting said ammunition requirements for said training events from said forecast to enable allocation and delivery of said ammunition requirements to military units for said training events.**

SOP teaches that the TAMIS-R can **subsequently, extracting said ammunition requirements for said training events from said forecast to enable allocation and delivery of said ammunition requirements to military units for said training events** (SOP p.2, section D and p.3, section E).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the invention of Ross the subsequently, extracting said ammunition requirements for said training events from said forecast to enable allocation and delivery of said ammunition requirements to military units for said training events as taught by SOP since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Claim 2

Ross teaches **receiving forecasts of the training events** (p. 12, TAMIS-R is an Army managed system that collects and process training ammunition requirements, where the Examiner understands the requirements to be the input for the real time forecast mentioned in the same paragraph of Ross).

12. Claims 3-8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ross (Ammunition Accounting and Management Below Retail, Jan. 2002) and "Standing Operating Procedures for the Management of Training Ammunition" dated 02/11/2000 (http://ag.arizona.edu/research/itam/pdf_docs/AMMOSOP1.pdf), wherein referenced as SOP as applied above to claim 1 and in further view of Lidow (US Patent 7,003,474 B2).

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Claim 3

Ross does not expressly teach **determining the ammunition requirements for the training events**. However this features is implied in the step of collecting ammunition requirements (pg. 12)

Lidow teaches the server my extrapolate forecasts based on expected demand and historical data (col. 13, lines 40-44) which is analogous to **determining the ammunition requirements for the training events**. *It is noted that the instant application is directed to the ammunition support activities for a training exercise. Give the broadest reasonable interpretation this activity is analogous to the example of Lidow in that ammunition support is a specific form of supply change management. In that the ammunition of the instant application are the equivalent of a supply order and the training event is any activity for which the supply order with support.*

It would have bee obvious to one of ordinary skill in the art at the time the invention was made to use the analogous teaching of Lidow in the invention of Ross and Andrews to ensure that the step of determining is not a guess but grounded in past experiences.

Claim 4

Ross teaches the processing of training requirements (pg. 12) which implies allocation however the feature is not expressly teach the **allocating the ammunition for the training events**.

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Lidow teaches the instruction indicate how the order is to be broken down and re-assembled in the exact quantities required by the specific customer (col. 5 lines 64-66) which is analogous to **allocating the ammunition for the training events.**

It would have been obvious to one of ordinary skill in the art at the time the invention was made to include the invention of Ross and Andrews the allocating the ammunition for the training events as taught by Lidow since the claimed invention is merely a combination of old elements, and in the combination each element merely would have performed the same function as it did separately, and one of ordinary skill in the art would have recognized that the results of the combination were predictable.

Claim 5

Ross is silent on **comparing via said software program the ammunition requirements with the forecast for available ammunition inventories.**

Lidow teaches determining if demand if customer demands exceed supply (col. 6, lines 28-29) which is analogous to **comparing the ammunition requirements with available ammunition inventories.**

It would have bee obvious to one of ordinary skill in the art at the time the invention was made to use the analogous teaching of Lidow in the invention of Ross and Andrews to allow time to provide solutions if demand exceeds supply.

Claim 6

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Ross is silent on the **adjusting the ammunition allocations to reflect the ammunition requirements and the ammunition inventories.**

Lidow teaches the instruction indicate how the order is to be broken down and reassembled in the exact quantities required by the specific customer (col. 5 lines 64-66). However Lidow is silent as to whether or not the order break down takes current inventory levels in to consideration thus Lidow is also silent on **adjusting the ammunition allocations to reflect the ammunition requirements and the ammunition inventories.**

Official notice is taken that it was old and well known in the art of supply chain management that when an order is received to allocated the available inventory to an order and then show the portion of the order not allocated as a need.

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the old and well known technique of supply chain order management in the invention of Ross and Andrews to minimize erroneous stock levels.

Claim 7

Ross is silent on **requesting ammunition from supplier organizations for the training events.**

Lidow teaches a specific order is released to the supplier (col. 12, lines 9-10) which is analogous to **requesting ammunition from supplier organizations for the training events.**

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It would have been obvious to use the teachings of Lidow in the invention Ross to facilitate the processing of data related to training requirements.

Claim 8

Ross teaches **approving the ammunition allocations** (pg. 12, the Examiner understands that within the context of Ross the authorization implies that it is directed towards allocation).

13. Claims 9-79 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ross (Ammunition Accounting and Management Below Retail, Jan. 2002), "Standing Operating Procedures for the Management of Training Ammunition" dated 02/11/2000 (http://ag.arizona.edu/research/itam/pdf_docs/AMMOSOP1.pdf), wherein referenced as SOP and Lidow (US Patent 7,003,474 B2) as applied above and in further view of Pure & Natural Diaper Service (www.seattlediaper.com, published 02/02/2002). Herein referred to as Pure.

Claim 9

Ross, Andrews and Lidow are silent on **including ammunition supplies from the supplier organizations into the ammunition inventories.**

Pure teaches the deliver of fresh diaper to be combined with the inventory of clean diapers at home to equal a full order (pg. 4, see diaper count) which is analogous to **including ammunition supplies from the supplier organizations into the ammunition inventories.**

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teachings of Pure in the invention of Ross, Andrews and Lidow to have an accurate account of the supplies in relation to the request.

Claim 10

Ross and Andrews are silent on the **distributing the approved ammunition allocations to user level units by picking ammunition products from a supplier organization and distributing said ammunition products to a customer organization.**

Lidow teaches the transportation of products from suppliers to customers (col. 22, lines 16-18) which is analogous to **requesting ammunition from supplier organizations for the training events by picking ammunition products from a supplier organization and distributing said ammunition products to a customer organization.**

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teachings of Lidow in the invention of Ross and Andrews to facilitate the processing of training ammunition requirements.

Claim 11

Ross and Andrews are silent on **making an accounting for physical distribution of the ammunition and its associated packaging material.**

Lidow teaches the server can monitor the flow of products (col. 12, line 52) which is analogous to **making an accounting for physical distribution of the ammunition and its associated packaging material.**

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It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teachings of Lidow in the invention of Ross and Andrews to facilitate the processing of training ammunition requirements.

Claim 12

Ross and Lidow are silent on **the step of: returning residue from the ammunition and the packaging material for recycling.**

Pure teaches the collection, cleaning and reuse of diapers (pg. 3, diaper pick up & delivery).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to use the teachings of Pure in the invention of Ross to have an accurate account of the supplies and allow for the reuse of packing material.

Claims 13-79 are similar to claims 1-12 for example: claim 13 is a combination of claims 1 and 3. As such claims 13-79 are rejected for substantially the same reason given above with regards to claims 1-12.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to FOLASHADE ANDERSON whose telephone number is (571)270-3331. The examiner can normally be reached on Monday through Thursday 8:00 am to 5:00 pm EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth Boswell can be reached on (571) 272-6737. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Folashade Anderson/
Examiner, Art Unit 3623

/Andre Boyce/
Primary Examiner, Art Unit 3623